(19)

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Writ Petition (S) No. 4553 of 2007**

**PETITIONER** Tapas Kumar Sarkar, aged about 46 years, son of Late Shri Nihar Ranjan Sarkar, Resident of Chota Bazar, Chirmiri, District Korea(CG)

***Versus***

**RESPONDENTS**

1. State of Chhattisgarh, Through- Secretary, Department of School Education, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The District Education Officer, Korea, District Korea (C.G.)
3. Administrator- Through Principal, Lahiri Multipurpose, Higher Secondary School, Chirmiri, District Korea (C.G.)
4. The Director, Directorate, Public Institution, Pension Bada, Raipur, (C.G.)

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**Appearance:**

Shri R.K. Jaiswal, counsel for the petitioner.

Ms. Deepali Pandey, Panel Lawyer for the State on advance copy.

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**ORAL ORDER**
**(06.08.2007)**

**SUNIL KUMAR SINHA, J.**

Heard on admission.

The petitioner is claiming the benefits of recommendation of 5th Pay Commission at par with the counter part in the Government Institution. It is submitted that the benefits of 5th Pay Commission was to be granted with effect from 1.1.1996 in accordance with the Madhya Pradesh Revision of Pay Rules, 1998.

This Court by judgment and order dated 6.2.2007 in case of Smt. A. Lall Vs. State of Chhattisgarh and other connected matters (W.P. No. 4108 of 2005) held that the teachers working in the Government Aided Schools are entitled to the benefit of recommendation of the 5th Pay Commission. The petitioner has claimed for same relief.

Learned counsel for the petitioner submits that this petition may be disposed of with a liberty to the petitioner to make representation before the concerned authorities and the said authorities may be directed to consider the representation as has been ordered in many cases.

Accordingly, this petition is disposed of with a direction that if so advised, the petitioner may file representation before the concerned authorities within a period of 3 weeks from today along with copy of this order and copy of order passed in W.P. No. 4108/2005 and if such a representation is filed that shall be decided on its own merit in accordance with law in light of the judgment and order dated 6.2.2007 passed by this Court in the matter of Smt. A. Lall Vs. State of Chhattisgarh and other connected matters (Supra).

The petition is accordingly disposed of. No orders as to costs.

**Sd/-**
**Sunil Kumar Sinha**
**Judge**

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